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10 JAMES R. MOSTI

11 **IN THE SUPREME COURT OF THE STATE OF MONTANA**

12 **Supreme Court Cause No. DA 09-0505**

FILED

13 **CACV OF COLORADO, LLC,**
14 **Plaintiff and Appellee,**

15 **vs.**

16 **JAMES R. MOSTI,**
17 **Defendant and Appellant.**

DEC 18 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA
**STIPULATION FOR
EXTENSION OF TIME TO
CONDUCT MEDIATION**

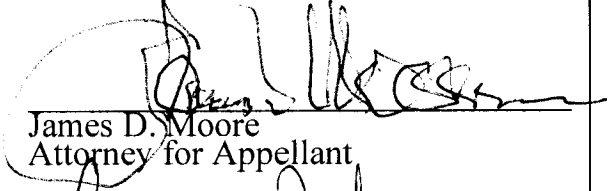
18 **COMES NOW** the parties herein, by and through their attorneys of record, and
19 hereby stipulate to extend the deadline within which to conduct a mediation in this
20 matter for a period of forty five (45) days. A telephonic mediation was originally
21 scheduled for December 15, 2009. The parties and mediator have agreed to conduct
22 a mediation no later than February 1, 2010.

23 This Stipulation is made for and on the grounds that the parties to this action are
24 also parties to a class action, to wit: *Cole, et al. v. Portfolio Recovery Associates, LLC,*
25 *et al.*, U.S District Court Cause No. DV-08-036-GF (Great Falls Division), wherein
26 a settlement agreement has been filed and is in the process of receiving necessary
27 court approval. If the settlement is approved, it will resolve the issues of this action.

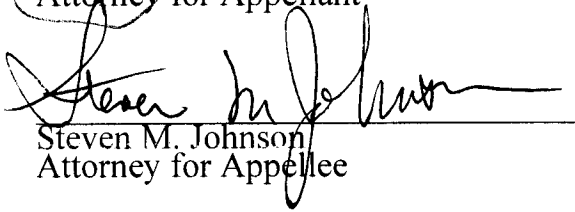
28 The parties previously moved for an extension of time for the briefing schedule.
Appellant's opening brief has now been continued to February 11, 2010, by this
Court's granting of an unopposed motion for extension of time, and, therefore

1 conducting a mediation prior to February 1, 2010, should allow the parties ample time
2 to complete the briefing schedule should the class action matter not settle, and should
3 the parties fail to resolve the issues herein in mediation.

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5 DATED: 12-16-09


James D. Moore
Attorney for Appellant

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8 DATED: 12-15-09


Steven M. Johnson
Attorney for Appellee

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